

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.6842 of 2017 & W.M.P. No.7405 of 2017

J. Pratap Prem Kumar

Petitioner

vs.

1 The Secretary to the Government  
Home (Police-3) Department  
Chennai - 600 009

2 The Director General of Police  
Chennai 600 004

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to include the petitioner's name in the panel of Inspector of Police (AR) fit for promotion as Assistant Commissioner of Police (AR) at the appropriate place and grant promotion as Assistant Commissioner of Police with effect from the date of promotion of the petitioner's immediate junior as Assistant Commissioner of Police (AR) on 03.12.2012.

For petitioner Mr. M.S. Soundararajan

For respondents Mr. T.M. Pappiah  
Spl. Govt. Pleader

ORDER

Mr. T.M. Pappiah, learned Special Government Pleader, accepts notice for the respondents. With consent, this writ petition is taken up for final disposal, at the admission stage itself.

2 The following is the vignette of the petitioner's case:

2.1 This is the second round of writ petition by the petitioner.

2.2 Earlier, the petitioner filed W.P. No.13662 of 2008 challenging the rejection of his request qua fixation of his seniority along with his batch mates and also for a direction to the respondents to refix his seniority along with his batch mates, which was allowed by this Court vide order dated

06.08.2008. The intra-Court appeal in W.A.No.1581 of 2010 preferred by the State thereagainst was disposed of by a Division Bench of this Court by judgment dated 05.09.2011, making it clear that for the purpose of fixation of the petitioner's seniority, the relevant date must be the date on which he was selected and not otherwise and for the purpose of re-fixation of his seniority, the date of selection and marks obtained by him, shall also be taken into consideration.

2.3 Accepting the aforesaid order passed by the Division Bench of this Court, the Government issued G.O. Ms.No. 729, Home (Police-III) Department dated 23.09.2013, following which, an endorsement was also issued by the office of the Director General of Police, Chennai on 28.09.2013, placing the petitioner in Serial No.33(A) above one Prabhanathan, who is claimed to be the petitioner's immediate junior.

2.4 Garnering strength from the above endorsement dated 28.09.2013 issued by the office of the Director General of Police, Tamil Nadu, in and by which, he was placed above his immediate junior Prabhanathan, the petitioner's main plank of contention is that inasmuch as his junior Prabhanathan has been given promotion to the post of Assistant Commissioner of Police, he should also be placed on par with him.

2.5 On the other hand, notwithstanding the judgment dated 05.09.2011 passed by the Division Bench of this Court followed by G.O.Ms.No. 729, Home (Police-III) Department dated 23.09.2013 and also the endorsement dated 28.09.2013 issued by the office of the Director General of Police, Tamil Nadu, he is still made to work only as Inspector of Police.

2.6 Hence, feeling aggrieved, he has addressed a representation dated 28.02.2017 to the Director General of Police, the second respondent herein, seeking promotion to the post of Assistant Commissioner of Police on par with his immediate junior Prabhanathan. As the same still remains unconsidered, he has preferred the instant writ petition.

3 A bare perusal of the judgment dated 05.09.2011 passed by this Court in W.A. No.1581 of 2010, G.O. Ms.No.729, Home (Police-III) Department dated 23.09.2013 and also the endorsement dated 28.09.2013 issued by the Director General of Police, Tamil Nadu, makes it abundantly clear that the petitioner's request to consider his promotion and seniority has been favourably considered by placing him above his immediate junior Prabhanathan. But, when Prabhanathan is presently serving as Assistant Commissioner of Police, the petitioner, who is his immediate senior, should be given the same ranking along with consequential benefits.

4 Ergo, this Court directs the respondents to consider the case of the petitioner in the light of the judgment dated 05.09.2011 rendered by this Court in W.A. No.1581 of 2010, followed by G.O. Ms.No. 729, Home (Police-III) Department dated 23.09.2013 and also the endorsement dated 28.09.2013 issued by the Director General of Police, Tamil Nadu, within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, this writ petition stands disposed of. Costs made easy. Connected W.M.P. is closed.

Sd/-  
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1 The Secretary to the Government  
Home (Police-3) Department  
Chennai - 600 009

2 The Director General of Police  
Chennai 600 004

+1 cc to Govt.pleader,sr.17957

+1 cc to Mr.M.S.Soundarapandiyar,advocate,sr.17415.

ca(co)  
krd 7/4

W.P. No.6842 of 2017

सत्यमेव जयते  
WEB COPY